

Senate Bill 173

By: Senators Tolleson of the 20th, Hooks of the 14th, Moody of the 56th and Henson of the 41st

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 22-3-82 of the Official Code of Georgia Annotated, relating to pipeline companies' rights to acquire property or property interests by eminent domain, notices to landowners, relocations, right of reasonable access, and compensation for damage incident to entry, so as to exempt certain acquisitions of additional pipeline rights of way from certain restrictions and conditions otherwise imposed on the exercise of such power; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 22-3-82 of the Official Code of Georgia Annotated, relating to pipeline companies' rights to acquire property or property interests by eminent domain, notices to landowners, relocations, right of reasonable access, and compensation for damage incident to entry, is amended by revising subsection (b) as follows:

"(b)(1) The restrictions and conditions imposed by this article on the exercise of the power of eminent domain by petroleum pipeline companies shall not apply to ~~relocations;~~

(A) Relocations of petroleum pipelines necessitated by the exercise of a legal right by a third party or to any;

(B) Any activities incident to the maintenance of an existing petroleum pipeline or existing petroleum pipeline right of way; or

(C) The acquisition of property or interests therein for construction, operation, and maintenance of an additional petroleum pipeline where the acquired permanent right of way for the additional petroleum pipeline is contiguous with and wholly within 75 feet of a permanent easement for a petroleum pipeline right of way that existed on January 1, 2007; except that any portion of the acquired permanent right of way for the additional petroleum pipeline may be noncontiguous to the petroleum pipeline right of way that existed on January 1, 2007, if such portion of the additional petroleum pipeline right of way is within one mile of such previously existing petroleum pipeline right of way and the noncontiguity is necessary to avoid an environmentally sensitive area as

determined by the Department of Natural Resources, a site listed on the National Register of Historic Places or the Georgia Register of Historic Places, or a residential or commercial structure located within 100 feet of the existing petroleum pipeline right of way.

This paragraph provides no exemption from any provisions of this title other than this article.

(2) A pipeline company shall have a right of reasonable access to property proposed as the site of a pipeline for the purpose of conducting a survey of the surface of such property for use in determining the suitability of such property for placement of a pipeline."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.